

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.	<u>05-729</u>
v.	:	DATE FILED:	December 20, 2005
KEZINE AARON O'BRIEN	:	VIOLATION:	
	:	18 U.S.C. § 924(a)(1)(A)	
	:	(false statement to federal firearms licensee	
	:	- 4 counts);	
	:	18 U.S.C. 922(g)(1) (possession of a firearm	
	:	by a convicted felon - 4 counts)	
	:	Notice of forfeiture	

INDICTMENT

COUNTS ONE THROUGH FOUR

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Gun Gallery, 2807 Perkiomen Avenue, Mt. Penn, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning that "the making of a false oral or written

statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.” The Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

5. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of a firearms sold by the FFL holder, including the buyer’s home address and date of birth.

6. Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year including, but not limited to convicted felons, are prohibited by law from buying firearms.

7. Defendant KEZINE AARON O’BRIEN was a convicted felon, who was prohibited by law from buying firearms.

8. On or about the dates listed below, in the Eastern District of Pennsylvania,
defendant

KEZINE AARON O'BRIEN,

in connection with the acquisition of each of the firearms listed below from the FFL holders listed below, knowingly made, a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant O'BRIEN certified on the Forms 4473 that he did not have a prior conviction carrying a maximum sentence of imprisonment exceeding one year, when in fact, as defendant O'BRIEN knew, this statement was false and fictitious.

Count	Date	FFL Location	Firearm
1	September 21, 2002	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Bryco Model 38 .380 caliber pistol serial no. 1521719
2	October 3, 2003	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	KBI/FEGYER ES GEPGYAR Model PMK-380 .380 caliber pistol serial no. N17777
3	May 15, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Jennings Model J-22 .22 caliber pistol serial no. 436041
4	May 22, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Hopkins and Allen Model Safety Police .38 caliber revolver serial no. 33477

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 21, 2002, in Reading, in the Eastern District of Pennsylvania, defendant

KEZINE AARON O'BRIEN,

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Bryco Model 38, .380 caliber pistol, serial number 1521719.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 3, 2003, in Reading, in the Eastern District of Pennsylvania,
defendant

KEZINE AARON O'BRIEN,

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a KBI/FEG (Fegyver Es Gepgyar), Model PMK-380, .380 caliber pistol, serial number N17777.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 15, 2004, in Reading, in the Eastern District of Pennsylvania,
defendant

KEZINE AARON O'BRIEN,

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Jennings Model J-22, .22 caliber pistol, serial number 436041.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 22, 2004, in Reading, in the Eastern District of Pennsylvania,
defendant

KEZINE AARON O'BRIEN,

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Hopkins and Allen, Model Safety Police, .38 caliber revolver, serial number 33477.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922(g)(1) set forth in this indictment, defendant

KEZINE AARON O'BRIEN

shall forfeit to the United States of America the firearms involved in the commission of these offenses, including, but not limited to:

1. a Bryco Model 38, .380 caliber pistol, serial number 1521719;
2. a KBI/FEG (Fegyver Es Gepgyar), Model PMK-380, .380 caliber pistol, serial number N17777;
3. a Jennings Model J-22, .22 caliber pistol, serial number 436041; and
4. a Hopkins and Allen, Model Safety Police, .38 caliber revolver, serial number 33477.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY